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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,976	07/24/2003	Valerie A. Driscoll		1696

7590 08/02/2004

Ted Masters
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Newhall, CA 91321

EXAMINER


GUTMAN, HILARY L.

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/625,976	Applicant(s) DRISCOLL, VALERIE A.	
	Examiner Hilary Gutman	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Claims 1-12 are hereby withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/15/04.

2. Applicant's election without traverse of invention II in the reply filed on 7/15/04 is acknowledged.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the occupant of claims 1 and 11; and the body part of claims 10 and 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR

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1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities: on page 5, line 14, "visor" should be "visor 502". On page 5, line 15, "502" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 13-15, 17, and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Lystad (4,570,991).

Lystad discloses a sun shield (Figures 1-2) which is attachable to a vehicle 10 for blocking glare from the sun, the sun shield comprising: a connector 16 for selectively attaching the sun shield to the vehicle; a swivel 28 attached to the connector; a plurality of blades 22, 24 pivotally attached to the swivel, wherein each of the plurality of blades is rotationally positionable about the swivel; and wherein the connector may be attached to the vehicle and one of the blades rotated (Figure 2) so that the rotated blade blocks glare from the sun.

With regard to claim 14, the plurality of blades includes blades having different lengths (specifically blade 22 is longer than blade 24).

With regard to claim 15, the plurality of blades is arranged in order from shortest to longest (Figure 1).

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With regard to claim 17, the plurality of blades are opaque or tinted (Column 1, line 33 and Column 2, lines 54-55).

With regard to claim 19, each of the plurality of blades having a generally rectangular racetrack shape.

With regard to claim 20, the vehicle inherently has a visor and a side window 48 and the sun shield is indirectly "attachable" to one of the visor and the side window.

With regard to claim 21, the vehicle inherently has a visor and a side window 48 and the sun shield further includes the plurality of blades 22, 24 including blades having different lengths and different widths; the plurality of blades being opaque or tinted; each of the plurality of blades having a generally rectangular racetrack shape; and the sun shield being indirectly "attachable" to one of the visor and the side window.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lystad as applied to claim 13 above and further in view of Miller et al. (4,614,375).

Lystad discloses the plurality of blades including blades of different widths (specifically, blade 22 is thicker or wider than blade 24).

Lystad lacks the plurality of blades including blades of the same width.

Miller et al. teach a sun shield having a plurality of blades or links of the same width.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the blades of Lystad with the same width as taught by Miller et al. in order to provide a more compact sun shield when not in use and in order to prevent the sun shield from hindering an occupant's vision when not in use.

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lystad as applied to claim 13 above and further in view of Larson et al. (6,086,132).

Lystad lacks the plurality of blades being resistant to ultra violet light.

Larson et al. teach a sun shield coated with a glare reducing agent material to block out any harmful ultraviolet rays. A tint is applied to the sun shield to accomplish the glare reduction. The glare reducing agent can be applied by a chemical spraying process, by application of a resin, and so forth. The agent is made of an ultra violet light blocking material.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have coated the blades of Lystad with an ultra violet blocking material as taught by Larson et al. in order to better block the harmful rays of the sun and prevent occupants within the vehicle from getting sun burns.

Furthermore, it should be noted with regard to the limitation "coated" that the patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process (MPEP 2113).

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Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

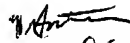
Washington, D.C. 20231

or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 746-3515, (for informal or draft communications, please clearly label "PROPOSED" or "DRAFT").


HILARY GUTMAN
3612
7/28/07